

**Subject:** FW: Purdue Phama L.P. - Letter Request by Canadian First Municipalities and First Nations Creditors and Appellants to Participate in Mediation [IWOV-Interwoven.FID260747]

**From:** Robert Drain

**Sent:** Tuesday, January 11, 2022 10:02 AM

**To:** Allen J. Underwood; NYSBml\_Chapman's\_Chambers

**Subject:** RE: Purdue Phama L.P. - Letter Request by Canadian First Municipalities and First Nations Creditors and Appellants to Participate in Mediation [IWOV-Interwoven.FID260747]

Dear Mr. Underwood,

Paragraph 1 of my January 3, 2022 Order Appointing the Honorable Shelley C. Chapman as Mediator appointed Judge Chapman to mediate the "Mediation Topic," namely whether the eight state appellants and the District of Columbia on the one hand (the "Nine") and the Covered Parties on the other (together defined in the Order as the "Mediation Parties") "can agree on a modification of the Plan so that such modified Plan can promptly become effective." Paragraph 5 of my January 3, 2022 Order Establishing the Terms and Conditions of Mediation Before The Honorable Shelley C. Chapman (the "Procedures Order") referenced in your request letter attached to your below email states that, in addition to the Mediator's ability to request that the Court order any Additional Parties to attend the Mediation, "nothing limits any Mediation Party's rights to make such a request of the Court . . . In such event, appropriate notice and a hearing shall be provided." Your letter incorrectly assumes that your clients are Mediation Parties authorized by the Procedures Order to make a request to be included in the Mediation. They are not Mediation Parties; therefore, unless Judge Chapman requests that your clients be treated as Additional Parties, your request is unfounded. I will note further that nothing in your request suggests that the issues that you wish to include in mediation relate to the Mediation Topic in the January 3, 2022 Orders.

Of course nothing precludes non-mediated negotiations between your clients on the one hand and any party in interest on the other.

Sincerely,

Judge Drain

**From:** Allen J. Underwood

**Sent:** Monday, January 10, 2022 5:10 PM

**To:** NYSBml\_Drain's\_Chambers ; NYSBml\_Chapman's\_Chambers

**Subject:** Purdue Phama L.P. - Letter Request by Canadian First Municipalities and First Nations Creditors and Appellants to Participate in Mediation [IWOV-Interwoven.FID260747]

**CAUTION - EXTERNAL:**

To the respective Chambers of the Honorable Robert D. Drain, U.S.B.J and The Honorable Shelley C. Chapman, U.S.B.J., I attach hereto correspondence on behalf of certain Canadian Municipal Creditors and Appellants and certain Canadian First Nations Creditors and Appellants requesting to participate in current Mediation (as more fully detailed in the attached correspondence) among the Sackler Family and the Nine States who are Appellants in appeals related to the Purdue Pharma L.P. *et als* Chapter 11s. Should any further filing on the docket, or any further information be required, we stand ready to act as directed. Thank you for your consideration of this matter,

Respectfully Submitted,  
/s/ Allen J. Underwood II

Allen J. Underwood II, Esq.

Member

**Lite DePalma Greenberg & Afanador, LLC**

570 Broad Street – Suite 1201

Newark, NJ 07102

Direct Dial: 973.877.3814

Main No. 973.623.3000

Fax No. 973.623.0858

**CAUTION - EXTERNAL EMAIL:** This email originated outside the Judiciary. Exercise caution when opening attachments or clicking on links.